M.

Home (1952) Department.

(17)

Go RL-

Passport Order No. 2507

Dated 29 8 52

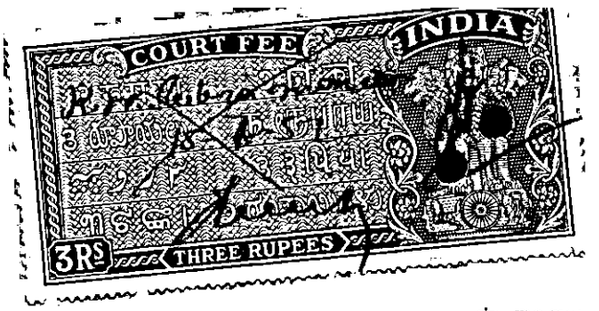
Passes
ಪಾಸ್
ಸಚಿವಾ 2/2/9/52

FOR MYSORE STATE

(Despatch Abstract.)

Passport No.

TO BE RETAINED For 20 Years.



BEFORE THE STATE OF MADRAS: MINISTRY OF MOTOR TRANSPORT

Revision Petition No. of 1952

Vinag Mining Company, Bellary: Petitioners.

I, V. Nagappa, Sole Proprietor of the Vinag Mining Company, Petitioners abovenamed do hereby nominate, appoint and retain Mr. K.N. Subramanian, Advocate, Madras, as my Advocate to present the Revision Petition against the order of the Central Road Traffic Board in R. No.21336/A2/52 dated 19-6-52 and to conduct further proceedings and appear and act on my behalf in connection therewith.

Dated at Bellary this 15th day of July 1952

V. Nagappa

Sole Proprietor of
Petitioners.

Accepted:

K. Subramanian

Advocate for Petitioners.

Address for service:

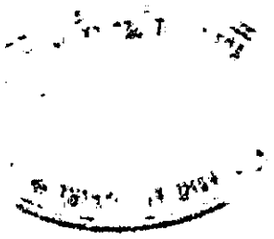
c/o. Mr. K.N.Subramanian,
Advocate, High Court,
317, Lingha Chetty St.,
George Town, Madras,1.

Madras.)
15th July 1952.)

Before the State of Madras:
Ministry of Motor Transport:

Revision Petition No. of 1952

Vinag Mining Co.,Bellary: Petitioners



V a k a l a t h.

Mr. K.N. Subramanian, M.A.,B.L.,

Advocate for Petitioners.

BEFORE THE STATE OF MADRAS: MINISTRY OF MOTOR TRANSPORT:

Revision petition No. of 1952
against
R. No.21336/A2/52 Dated 19-6-1952
in the proceedings of the Meeting
of the Central Road Traffic Board:
Madras.

Vinag Mining Company, Bellary: Petitioners.

Revision Petition under Section 64.A. of the Madras Motor Vehicles Act and Rule 148(2) of the Madras Motor Vehicles Rules:

The Petitioners abovenamed beg to present this Memorandum of Grounds of Revision against the decision of the Central Road Traffic Board, Madras, dated 19th June 1952 (the communication of the decision was served to the Petitioners' Advocate on 21-6-1952) for the following amongst other grounds:-

1. The decision of the Central Road Traffic Board is unjust and inequitable.

2. The Central Traffic Board ought to have granted a Private Carrier Permit in favour of the Petitioners especially when it is in evidence that the Petitioners have got to fulfil their obligations to the Madras Government in the matter of supply of Iron Ore under the Mining lease with the said Government.

3. The Central Road Traffic Board erred in its objection when it stated that the order of the Regional Transport Authority, Anantapur, requiring the Petitioners to surrender their Public Carrier Permit and to apply for a Private Carrier Permit is a reasonable suggestion for, if circumstances warranted, and if the requirements of Section 55 of the Motor Vehicles Act were complied with, the Public Carrier Permit applied for should be granted.

V-Nagappa

with Messrs. Ishwarlal P.Patni & Co., Bombay, for supplying them a lakh of tons of Iron Ore to their loading Stations being Hospet and Papinayakanahalli which are roughly five miles away from Petitioners mines situated at Ingligi and Kariganur Villages of Hospet Taluk. In this manner, the Petitioners submit that they have got to load 15 to 20 wagons on an average every day within a specified time, and failure to load the wagons in time will result in payment of heavy wharfage. It is therefore urged that these are matters in which the interests of the public are involved in the sense that the Railway will be receiving freight charges, Government will have its royalty and above all the Petitioners will be in a position to supply Iron Ore speedily to the Bombay Merchants aforesaid and all this because of the grant of mining lease by the Government. It is further submitted that unless more vehicles are engaged, the Petitioners cannot cope up with the loading work as they have to keep ready at the Harbour necessary ore for shipload at Scheduled arrival and there also failure to load shipment in time will result in heavy demurrage to the tune of thousands of Rupees. Such payment of demurrage will seriously reflect on the prestige of the Petitioners and thus create a bad impression in the eyes of foreign buyers.

8. The Central Road Traffic Board failed to give weight to the fact that the Petitioners have got only one Lorry (Public Carrier) which will not be sufficient to fulfil their obligations under the mining lease and they are obliged to engage a number of lorries on hire for the purpose of transporting ore.

9. The Central Traffic Board also failed to give due regard to the fact that the Petitioners cannot depend upon the services of hired lorries as they are irregular, disappointing and very unsatisfactory. It is therefore submitted that the Petitioners are finding it very difficult to fulfil the terms of the Contract in spite of very heavy expenditure.

V-Nagappa

4. The Central Traffic Board ought to have given due weight to the circumstance that the petitioners who are owning an extensive mining lease for a period of 20 years should have facilities for carrying out the obligations under the lease without default or delay on the part of the Petitioners and this can be achieved only if the Petitioners have permit for sufficient number of Lorries.

5. The Central Traffic Board failed to take into consideration the circumstance that in order to regulate the stock position at the sidings, at least half a dozen goods vehicles have got to be used for which purpose the petitioners must transport sufficient quantity of Iron Ore to meet regular loading demands without interruption. This also would mean that the Railway Administration and the State Government are benefitted in the shape of their receiving Railway Freight and royalty (viz., Rs.2,00,000/- and Rs.14,000/-.)

6. The Central Traffic Board erred in its decision in spite of Petitioners letter dated 9-8-1951 to the Regional Transport Officer, Anantapur, wherein the Petitioners had requested for grant of two Public Carrier Permits in view of the dire necessity for additional vehicles and in view of the fact that the transport position would be never encouraging, as the only public carrier permit (MDB.692) which the Petitioners held could not improve the required facilities for more transport.

7. The Central Traffic Board ought to have taken into consideration the fact that the Petitioners are owning a mining lease with the Government for 20 years, that they have to fulfil the Contract entered into by them with

V-Nagappa

10. The Central Traffic Board failed to note that the greater the quantity of ore that is exported, the greater the Revenue to the Government and the Railway Authorities.

11. The Petitioners submit that the grant of Public Carrier Permit will greatly facilitate the business and will be in the interests of public generally in the sense that the Government are benefitted by receiving extra revenue in the shape of royalty and Railway freight as also the needs of foreign countries for raw materials such as Iron Ore and Manganese ore are catered and they in turn supply materials to India and as such this business is of National importance which is encouraged by Government

12. The Central Road Traffic Board had not gone into the question of the Petitioners' solvency and capacity to manage the transport vehicles and in the absence of a finding that the application for a Public Carrier Permit is not genuine and bonafide the Central Road Traffic Board erred in rejecting the application for Public Carrier Permit as not suitable.

The Petitioners therefore pray that in all the circumstances of this case the Hon'ble Government may be pleased to grant to the Petitioners a Private Carrier Permit as prayed for by them.

Dated this 12th day of July 1952

Advocate for Petitioners.

V. Nagappa

Sole Proprietor of
Petitioners.

15/7/52

Address for Service: c/o. Mr. K.N.Subramaniam, B.A.,B.L.,
Advocate, High Court,
317, Lingha Chetty Street,
George Town, Madras,1

8

Before the State of Madras
Ministry of Motor Transport:

Rev.Petition No. of 1952

Vinag Mining Company: Petitioners:

Memorandum of Grounds:

C. K.N. Subramanian, B.A.,B.L.,

Advocate for Petitioners.

Provincial.
Central.

M.T.C. 10.

ORIGINAL.

T & A 21

P

Chalan for payment of money into the Reserve Bank of India at ~~Madras~~ Imperial Bank of India at Madras

No

By whom paid and name (or designation) and address of the person on whose behalf money is paid.	On what account with authority, if any.	Amount. Rs.	A.	P.	Head of account.
K.N. SUBRAMANIAN, Advocate for Vin-g Mining company (Petitioners) 17 Singaravelu Mudali St Mylapore	C.R.T.B. appeal	50	-	-	XII Receipts under MRACT
	Total (in words and figures). Rupees fifty only	50	0	0	

Signature of Payer

* Head of account should be filled in by the Departmental Officer or the Treasury. In cases where direct credits at Bank are permissible the column "Head of account" will be filled in by the Treasury Officer or the Accounts Officer, as the case may be, on receipt of the Bank's Daily sheet.

[P.T.O.

60

Correct. Receive and grant receipt. T. & A. 218.

Name and full designation of the officer to receive the money to be paid in

Reserve Bank of India
Imperial Bank of India at Madras } Entered—Correct.

The ——— —194

Initials of Treasury Accountant. *Bank Accountant.*

Received Rupees

RESERVE BANK OF INDIA
PUBLIC ACCOUNTS DEPT.
MADRAS.
RECEIVED
11 JUL 1952

Cashier *Agent.*

Dated ——— —194 *Accountant.*

* To be used only when a departmental officer passes the chalan for a payment by a private party

Treasurer *Cashier* *Asst.*

MADRAS

PROCEEDINGS OF THE MEETING OF THE CENTRAL ROAD TRAFFIC BOARD/HELD ON 17-6-52(Tuesday)

Item No.15.

Present; 1. Sri PpC.Mathew, I.C.S. Chairman.
2. Janab S.Kadir Muhammaed Nainar, M.A.B.L. Non official Member.
3. Sri T.D.Ramaya Pantulu, M.A.B.L. -do-

R.No.21336/A2/52 dated 19.6.52.

Seen on 21/6/52

sub; Appeal - goods vehicle - refusal to grant public carrier - permit by the Regional Transport Authority, Bellary.

Read; Petition dated 24.4.52 from M Virag Mining Company, Bellary.
2. From Regional Transport officer, Anantapur R.No.4523A4/52 dated 15.5.52.

ORDER ;

In this case, the Regional Transport Authority Bellary, rejected the appellant's application for a public carrier permit. The appellant says that he has got a lot of mineral ore to transport in connection with his business as a Mine owner and that one public carrier which he has is insufficient for the purpose. The Regional Transport Officer has asked him to surrender his public carrier permit and to apply for a private carrier permit. This is a reasonable suggestion. The appellant can surrender his public carrier permit and apply for private carrier permit in respect of one or more vehicles as he requires. The present appeal is dismissed.

2.

Pp C.Mathew,
Chairman.

To
Virag Mining company,
care Sri K.N.Subramaniam,
Advocate, 317, Linghi chetty st., G.T.Madras. (para 1 only)
" The Regional Transport officer,
Anantapur (in full with records by R.P.)

ATTACHED
20 JUN 1952

s.a.19.6. /By order/

Superintendent.
19.6.52

ATTACHED
1952

Home Dept

13

Memo No 128721 Tr II/52-1 dated 25.7.52

Motor Vehicles - Public carrier - R.T.A Bellary - Public carrier permit refused by the R.T.A - Appeal dismissed by the CRT Bd - Revision petition to govt.

Refee:- Petition from the Proprietor, Vijaya Mining company, Bellary dt 12.7.52

A copy of the petition cited is referred to the Secretary CRT Board, for parawar remarks which should be sent with the connected records not later than 15-8-52.

WB 24/7/52 24.7.52

24.7.1952

To The Secretary CRT Board, Egmore, Madras (with a copy of pp 3 to 6)

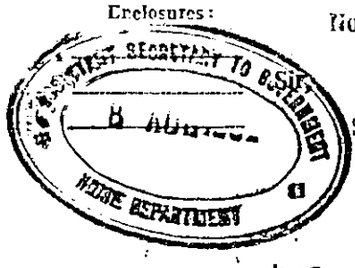
FN 16.8.52

32—10,59,181—7-11-49.

Department	
From (Name) Janab Syed Ahmed, I.A.S.,	Received ..... Registered .....
Designation Secretary, Central Road Traffic Board,	To
Station Egmore, Madras.	The Secretary to Government, Home Department, Madras. (with enclosures)

Enclosures:

No. 38068/A2/52, dated 5-8-52 195



Sub: Motor Vehicles – Goods Vehicle – Regional Transport Authority, Bellary – public carrier permit refused by Regional Transport Authority, – appeal dismissed by Central Road Traffic Board – Revision petition to Government. Remarks submitted.

Ref: Government Memo.No.128721/Tr.II/52-1 Home d/25-7-52.

The Regional Transport Authority, Bellary at its meeting held on 19-3-52 rejected the application of M/s Vinag Mining Co., Bellary for the grant of a pucca public carrier permit. Against this order, the revision petitioners preferred an appeal to the Central Board. The Board after hearing the party dismissed the appeal at its meeting held on 17-6-52. The reasons for the Board's decision are set out in its proceedings at page 41 of the file enclosed. The following remarks are submitted on the revision petition.

Para 1: Calls for no remarks.

Para 2: The appeal before the Central Board was against the orders of the Regional Transport Authority refusing to grant pucca public carrier permit to the revision petitioners and not for private carrier permit.

Para 3: The Board agreed with the suggestion of the Regional Transport Officer requiring the petitioners to surrender the public carrier permit which they are having at present and to apply to the Regional Transport Officer, for one or two private carrier permits. There is no need to observe the formalities under Sec.57(2) and (3) for the grant of private carrier permits.

Paras 4 & 5: The Contention of the revision petitioner, that they are having extensive mining business may be correct but that by itself cannot be a ground to get permits.

Paras 6 to 12: If they are really in need of more vehicles for transport of their own goods they may apply to the Regional Transport Officer, for the required number of private carrier permits after surrendering the public carrier permit. Usually a public carrier permit holder is not given a private carrier permit also in order to prevent the scope for abuse of private carriers.

The connected records of the case are submitted herewith for reference and return.

for Secretary. 6-8-52

SS/6/8/52 6/8.

K. N. SUBRAMANIAN, B.A., B.L.
ADVOCATE

Residence:
SANTHI NIVAS"
No. 4, BHASKARAPURAM
BHEEMANNAPET
MYLAPORE, MADRAS

OFFICE:
317, LINGHI CHETTY STREET
G.T., MADRAS

17

Date 13th August 1952

To

The Ministry of Motor Transport,
Fort St. George,
Madras.

Dear Sir,

150259

Re: Revision Petition of Mr. V. Nagappa, Proprietor, Messrs. Vinag Mining Co., Bellary - Against the order of the Central Road Traffic Board in its proceedings R.No.21336/A2/52 D.19-6-5 presented on 15th July 1952:

I request you to be so good as to fix a date for hearing of the above Petition before orders are passed.

Thanking you for favour of an early reply,

Yours faithfully,

Advocate for Petitione

[CRO 128721 Tv II/52]

53/29/8 Issued

506/29/8

69

Home Dept

G.O.Rt. No 2569 dated 29.8.52.

MVS - ~~Public Carriers~~ Goods Vehicles - R.T.A. Bellary Public carrier permit refused by R.T.A - Appeal dismissed by Govt CRI Bd - Revision petition to Govt - Rejected

Read:-

From the Proprietor, Venag Hanuma & Co Bellary, dated 12.7.52

From the CRI BS No 38068/A2/52 dated 5-8-52

Order:-

The Governor of Madras declines to interfere.

2. The petitioners may (if they are so advised) surrender their Public carrier permit and apply for a private carrier permit as already ~~advised~~ suggested

by the R.T.O., Anantapur

LOR.
26/8/52

M/27-8-952 —

26/8/52

To the Secretary
CBR Board
Egmore,
Madras.

Dft
Lpe
3/9

Write record urgl

The R.T.O.
Bellary

Write a copy of pp 36 ef

The Vinag Mining
Company
c/o Sri K.N. Subramania
Advocate,
317, Singha chetty St
G.T.
Madras.

Rpd
3/9

[Ento 1287 21-IV-52]

HOME DEPARTMENT

Motor Vehicles - Public Carrier - R.T.A. Bellary - Public carrier permit refused by the R.T.A. - Appeal dismissed by the C.R.T.Board - Revision petition to Govt.

From the Proprietor, Vinag Mining Company, Bellary, dated 12-7-1952

==

ABSTRACT OF THE CASE

District	Bellary
~~Route~~	
R.T.A's order	Refused public carrier permit to the Vinag Mining Company, Bellary.
C.R.T.B's order	Appeal dismissed
Petition before the Govt..	From Vinag Mining Coy., Bellary for grant of public carrier permit.

===

This is a case of revision petition from the Vinag Mining Company, Bellary, against the appellate order of the C.R.T.Board on p.11 c.f. The petition is in time and the prescribed fee of Rs 50/- has been paid. The facts of the case as gathered from the revision petition are as follows:-

2. The R.T.A. Bellary rejected the appellant's application for a second public carrier permit, and asked him to surrender his public carrier permit and to apply for a private carrier permit in respect of one or more vehicles as he required. The petitioner's appeal to the C.R.T. Board was dismissed. Against this order of the C.R.T.Board, the petitioner has come up to Govt. in revision.

3. The petitioner has contended

(1) that ~~they~~ the Coy. are owning an extensive mining lease for a period of 20 years and should have facilities for carrying out the obligations;

(2) that unless more vehicles are engaged they cannot cope up with the loading work at the Harbour and

and(3) that the interests of the public and the revenue of the Govt. will be benefited, if he is granted the public carries permit applied for;

It is not clear why the petitioner insists on a second public carrier permit for carrying on his business. He can as well surrender his existing public carrier permit and apply for a private carrier permit as suggested by the R.T.A.

4. In this case, both the R.T.A. and the C.R.T.Board are agreed. The petitioner does not appear to have made out a case for interference. The petition may be rejected summarily.

May be circulated to M. (A. & L).

WRB. 22/7/52

The CRTB seems to be against granting both public carrier and private Carrier permits to the same person, The reason being That The Operator will misuse the private Carries as a public carrier. If the permit is required for his own purpose, he can as well Surrender the public carries permit and get as many private carrier permits as he wants. There seems to be however no case for granting a second public Carries permit. The petition may be rejected summarily.

J Jagannadha Rao
23.7.1952

D.S.

The position is still far from being clear. Please call for records & remarks as usual

23/7/52

A draft memo to the CRT Bds is Suled for approval.

24/7/52

128724 Trill/52

(Issued as Memo.No.128721 Tr.II/52-1, Home, dated 25-7-1952)

From the C.R.T.Bd.,No.38068/42/52, dated 5-8-1952 from Sri K.N. Subramanian, Advocate for the petitioners ** dated 13-8-52.

Abstract of the Case

District	Bellary
R.T.A's order	Refused public carrier permit to the Vinag Mining company, Bellary.
C.R.T.Bd's order	Appeal dismissed
Petition before the Govt.	From Vinag Mining Company, Bellary for grant of public carrier permit.

***

This is a case of revision petition from the Vinag Mining Company, Bellary, against the appellate order of the C.R.T.Bd. on p.11 c.f. The remarks of the C.R.T.Bd. are at p.15 c.f. The connected records of the C.R.T.Bd. are at flag (D).

2. The R.T.A., Bellary, at its meeting held on 19-3-52, rejected the application of M/s. Vinag Mining Coy., Bellary, for the grant of a pucca public carrier permit. Against this order, an appeal was preferred to the C.R.T.Bd. For the reasons set out in the proceedings on p.11 c.f. the Board dismissed the appeal. It is against this appellate order that the petitioners have come up to Govt. in revision.

3. The petitioners contend that the C.R.T.Bd. ought to have granted a private carrier permit having regard to the fact that they have to fulfil their obligations to the Madras Govt. in the matter of supply of iron ore.

The Board has stated that the appeal befo the Central Bd. was against the order of the R.T.A. refusing to grant pucca public carrier permit and not

4

private carrier permit.

The petitioner contends that the C.R.T.Bd. erred when it stated that the order of the R.T.A. Bellary, ~~Anantapur~~, requiring the petitioners to surrender their public carrier permit and to apply for a private carrier permit is a reasonable suggestion. The C.R.T.Bd. has stated that it agreed with the suggestion of the R.T.O. requiring the petitioner to surrender the public carrier permit which they are having at present and to apply to the R.T.O. for one or two private carrier permits. The petitioner has contended that the company are owning an extensive mining lease for a period of 20 years and should have facilities for carrying out the obligations, and that unless more vehicles are engaged they cannot cope up with the loading work at the Harbour. The C.R.T.Bd. has stated that the contention may be correct, but that by itself cannot be a ground to get permits, that if they are really in need of more vehicles for transport of their goods they may apply to the R.T.O. for the required number of private carrier permits after surrendering their existing public carrier permits and that usually a public carrier permit holder is not given a private carrier permit also in order to prevent the scope for abuse of private carriers.

4. In the circumstances, the petitioner does not appear to have made out a case for interference by the Govt. For orders whether the revision petition may be rejected. May be circulated to M.(I&L).

SB. 18/8/52 JM. 15/8/52. Please see my note at 12 ante. The addl permit is required for their own transport and it will not be in public interest to grant this as the public will be denied the services of one vehicle

for transport on hire. The petition may be rejected agreeing with the R.T.A. & the C.R.T.B

18.8.52

Petition Rejected.
(Why does he not surrender his public carrier permit to a private carrier permit. He may be advised to do so)

21.8.52

D.S
I agree. Maybe Rejected

19/8/52

M. (J.H.)

SECRETARY TO GOVERNMENT
25 AUG 1952
HOME DEPARTMENT

A draft order is submitted for approval.

27.8.52

WDS. 26/8/52

26/8/52

DEPUTY SECRETARY TO GOVERNMENT
27 AUG 1952
HOME DEPARTMENT

[Issued as G.O. Rt. No. 2569 Home dt. 29-8-52]